

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.374 OF 2006

Kangaroo Kids Education Ltd.

... Petitioner

vs.

1.Rustomjee Kerawalla Foundation & others.

... Respondents.

Mr.Rahul Chitnis i/b. P.K.Shroff & Co. for Petitioner.

Mr.Rohit Kapadia with Mr.Prateek Seksaria, Mr.Naval Agarwal & Mr.V.B.Trivedi, Ms.Nita Gaglani i/b. M/s.M.K.Ambalal & Co. for Respondent nos.1 & 4.

Mr.Arif Bookwala with Mr.Birendra Saraf & Ms.Nita Gaglani i/b. M/s.M.K.Ambalal & Co. for Respondent nos.2 and 3.

CORAM: D.K.DESHMUKH,J.

DATED: 26th September,2006

P.C.:-

Heard the learned Counsel appearing for both the sides. It appears that in the arbitration proceedings, the petitioner will be seeking decree of specific performance of the agreement entered into between the parties. Therefore, for claiming interim order, the petitioner would have to establish that he is, prima facie, entitled to get a decree of specific performance of the contract. But perusal of the petition shows that there are no averments made in

the petition to show as to why the petitioner is entitled to a decree of specific performance of the agreement and why compensation in terms of money will not be adequate. As the petitioner has not even pleaded as to why compensation in terms of money will not be adequate to compensate the breach of the agreement, in my opinion, the petitioner is not entitled to any interim order. The petition is disposed of.
